

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2) the label of the article failed to contain an accurate statement of the quantity of the contents.

**DISPOSITION:** January 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization, for food purposes.

#### CHOCOLATE AND CHOCOLATE PRODUCTS

**11352. Adulteration of chocolate. U. S. v. 3 Bags \* \* \*. (F. D. C. No. 20628. Sample No. 49686-H.)**

**LIBEL FILED:** August 9, 1946, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about June 12, 1946, by Blumenthal Brothers, from Philadelphia, Pa.

**PRODUCT:** 3 bags, each containing 18 10-pound slabs, of chocolate at Houston, Tex.

**LABEL, IN PART:** "Fehr Baking Co. Houston, Texas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae.

**DISPOSITION:** October 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11353. Adulteration of chocolate coating. U. S. v. 5 Bales \* \* \*. (F. D. C. No. 20596. Sample No. 52678-H.)**

**LIBEL FILED:** July 31, 1946, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about October 3, 1945, from Buffalo, N. Y.

**PRODUCT:** 5 bales, each containing 200 pounds, of chocolate coating at Indianapolis, Ind., in possession of the Indianapolis Warehouse & Storage Co. The article was stored under insanitary conditions after shipment. Some of the bales were rodent-gnawed, and rodent excreta was observed on them. Examination showed that the article had been gnawed by rodents.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** September 5, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**11354. Adulteration of chocolate liquor. U. S. v. 16 Bags \* \* \*. (F. D. C. No. 21117. Sample No. 53083-H.)**

**LIBEL FILED:** September 27, 1946, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 10, 1945, by the Bachman Chocolate Mfg. Co., from Mt. Joy, Pa.

**PRODUCT:** 16 200-pound bags of chocolate liquor at Cleveland, Ohio.

**LABEL, IN PART:** "Bachman Chocolate Coatings and Liquors."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of insect infestation.

**DISPOSITION:** October 17, 1946. The Cleveland Fruit Juice Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned and the unfit portion to be destroyed, under the supervision of the Food and Drug Administration.

#### SIRUP AND SUGAR

**11355. Adulteration of maltose sirup. U. S. v. 29 Drums \* \* \*. (F. D. C. No. 20583. Sample No. 63928-H.)**

**LIBEL FILED:** August 2, 1946, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about May 20, 1946, by Desendorf, Inc., from Newark, N. J.

**PRODUCT:** 29 650-pound drums of maltose sirup at Brooklyn, N. Y. Examination showed that the product was in an active state of fermentation.

**LABEL, IN PART:** "Maltose Syrup \* \* \* Illinois Syrup Co. Brooklyn, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 17, 1946. The Waverly Sales Corp., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**11356. Adulteration and misbranding of maple sirup. U. S. v. 74 Cases \* \* \*.** (F. D. C. No. 20522. Sample No. 42846-H.)

**LIBEL FILED:** July 15, 1946, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about May 20, 1946, by Zall and Levinson, from Newark, N. J.

**PRODUCT:** 74 cases, each containing 4 1-gallon jars, of maple sirup at Hot Springs, Va.

**LABEL, IN PART:** "Vermont Maple Syrup Pure."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored sugar sirup containing little, if any, maple sirup had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient; and, Section 403 (k), the article contained artificial flavoring, artificial coloring, and a chemical preservative, and it failed to bear labeling stating that fact.

**DISPOSITION:** September 21, 1946. Virginia Hot Springs, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled to conform with the law, under the supervision of the Federal Security Agency.

**11357. Adulteration of maple sirup. U. S. v. 23 Cans \* \* \*.** (F. D. C. No. 20397. Sample No. 46312-H.)

**LIBEL FILED:** July 16, 1946, Northern District of California.

**ALLEGED SHIPMENT:** On or about May 4, 1946, by Zall and Levinson, from Newark, N. J.

**PRODUCT:** 23 1-gallon cans of maple sirup at San Francisco, Calif.

**LABEL, IN PART:** "Vermont Maple Syrup Pure."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), an artificially flavored sugar sirup, containing little, if any, maple sirup, had been substituted in whole or in part for maple sirup.

**DISPOSITION:** October 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11358. Adulteration of strawberry sirup. U. S. v. 90 Cases \* \* \*.** (F. D. C. No. 20652. Sample No. 59189-H.)

**LIBEL FILED:** August 13, 1946, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about July 11, 1946, by the California Fruit Chimes Co., San Gabriel, Calif.

**PRODUCT:** 90 cases, each containing 24 pint jars, of strawberry sirup at Spokane, Wash. Examination showed that the product was undergoing active decomposition.

**LABEL, IN PART:** "Mission Chimes Strawberry Waffle & Hot Cake Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.